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**ALLOWED REVIEW****Applicati n  
Number**  
09/672,898**Art Unit**  
3641**Notice of  
Allowance**  
24-Mar-03**Examiner**  
THOMSON, MICHELLE R**Reviewer**  
Baldwin, Robert**Omitted Rejections**

**Is there a potential clear error for omitting a rejection? (The rejection you propose must be reasonable)**

☒ Yes ☐ No

If yes, check all that apply

- ☒ 35 U.S.C. 102
- ☐ 35 U.S.C. 103
- ☐ 35 U.S.C. 112, first paragraph, written description
- ☐ 35 U.S.C. 112, first paragraph, enablement
- ☐ 35 U.S.C. 112, second paragraph
- ☐ 35 U.S.C. 101 (utility)
- ☐ 35 U.S.C. 101 ( non-statutory subject matter)
- ☐ Double Patenting (statutory, ODP)
- ☐ Other (e.g., Best Mode)

# ALLOWED REVIEW

Applicati n Number

09/672,898

N tice Of All wance

24-Mar-03

Reviewer

Baldwin, Robert

## Section III: 35 U.S.C. 102

### Correctness of 35 U.S.C 102 Rejections

Were all 35 U.S.C 102 rejections reasonable?

☐ Yes ☐ No

(No indicates potential clear error)

If no, indicate the problem (check all that apply)

- ☐ Claimed features not found in the reference.
- ☐ Wrong subsection of 35 U.S.C. 102 used.
- ☐ Date of the reference no good.
- ☐ Inherency applied improperly.
- ☐ Improper official notice.
- ☐ Other

Comments:

### Clarity of 35 U.S.C 102 Rejections

Were all 35 U.S.C. 102 rejections formulated in a clear manner?

☐ Yes ☐ No

(No indicates potential clear error)

Were claim limitations matched to the art?

☐ Yes ☐ Sometimes ☐ No

Was any statement of inherency clearly explained?

☐ Yes ☐ Sometimes ☐ No ☐ N/A

Comments:

### 35 U.S.C 102 Rejection(s) That Should Have Been Made

Give a brief description of the proposed 35 U.S.C. 102 rejection(s) that should have been made:

Claim 6 is fully readable on Winston (4,966,365) which shows (see, i.e., FIG. 5) a device comprising: (a) a plurality of cloth shot bags 68 connected to each other; and (b) metal shots 44 provided in each of the bags. Inasmuch as the Winston device is inherently capable of being packed in a shell and fired from a large caliber firearm, the instant claimed structure fails to define over such device. Collanus et al (4,729,279) is noted of interest simply to show an example of a large caliber firearm.

Origin of Prior Art used in the proposed 35 U.S.C. 102 rejection(s) above

☐ of record

☒ not of record (attach search logic/documentation)

☒ East

☐ EPO

☐ Other

☐ West

☐ JPO

☐ NPL

☐ Derwent

Comments:

Winston (4,966,365) was found using the search logic: --- metal\$3 same shot and (bags or compartments) and (cloth or fabric) --- [111 hits].

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**SECTION XI. File Wrapper****Reasons for Allowance (R/A)**

Did the Examiner write a Reasons for Allowance (R/A)?

☐ Yes ☒ No ☐ N/A

If yes,

Is the R/A clear and complete?

☐ Yes ☐ No

If no,

Does the record as a whole indicate a R/A was necessary?

☐ Yes ☒ No

Comments:

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**Interviews**

Was there an interview regarding the merits of the case relevant to the action reviewed?

☐ Yes ☒ No

If yes,

Was Summary Form PTOL-413 completed?

☐ Yes ☐ No

Is the record of the interview clear and complete?

☐ Yes ☐ No

Comments:

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**Claims**

Were claims treated in an inappropriate manner on non-substantive issues?

☐ Yes ☒ No

If yes,

☐ claims are present that were not addressed.☐ claims previously withdrawn from consideration should have been cancelled.☐ improper dependent claims were not properly treated.☐ other

Comments:

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**Sequence Rules**

Does the application contain nucleotide and/or amino acid sequences?

☐ Yes ☒ No

If yes,

Did the examiner properly handle Sequence Compliance Issues?

☐ Yes ☐ No

Comments:

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**Section XIII. Other Issues**

Were all claims for priority properly treated?

☒ Yes ☐ No ☐ N/A

If a restriction was made, was it proper?

☐ Yes ☐ No ☒ N/A

Were all matters of substance in applicant's response and affidavits/declarations evaluated sufficiently?

☒ Yes ☐ No ☐ N/A

Other issues?

☐ Yes ☒ No

Comments:

**ALLOWED REVIEW**

## Reviewer

Baldwin, Robert

## Section XIV: Indicia of Commendable/Outstanding

**Patentability Determination: Indicia of Commendable/Outstanding**☐ Yes☐ Yes☐ Yes**Action Taking: Indicia of Commendable/Outstanding**☐ Yes☐ Yes☐ Yes

### Patent Examining Function: Indicia of Commendable/Outstanding

Check one of the following statement if applicable:

- ☐ The Office action is formulated to advance the prosecution, correct other informalities, and develop a complete file wrapper record. The Office action also is such that it leaves little room for improvement. The Office action clearly and concisely presents the positions taken.
- ☐ The entire Office action is complete and accurate and does not require any substantial revision. The Office action effectively conveys the positions taken.

Comments:

\_\_\_\_\_

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## Search

### Initial Data Capture Points

Was art provided from an ESS before first action?

☐ Yes ☐ No

Was any IDS improperly treated?

☐ Yes ☒ No ☐ N/A

Was a text search performed by the Examiner?

☒ Yes ☐ No

Was it non-patent literature?

☐ Yes ☒ No

Is the search strategy printout present?

☐ Yes ☒ No ☐ N/A

Was the inventorship searched by the Examiner?

☐ Yes ☒ No

If any TC or specialized art has identified specific search requirements in addition to or in exclusion of the above requirements, were these specific requirements complied with?

☐ Yes ☐ No ☒ N/A

Were foreign patent documents cited by the Examiner on an 892?

☐ Yes ☒ No

Were NPL documents cited by the Examiner on an 892?

☐ Yes ☒ No

Did the Examiner perform a new search in a 2nd/subsequent action?

☐ Yes ☒ No ☐ N/A

Did the Examiner update all searches in a subsequent action?

☒ Yes ☐ No ☐ N/A

Did an ESS submit a new search report in a 2nd/subsequent action?

☐ Yes ☐ No ☐ N/A

Was there new art found by the Examiner that was applied in a 2nd/subsequent action?

☒ Yes ☐ No ☐ N/A

Has a search been performed by the Reviewer?

☒ Yes ☐ No

### Overall Rating of the Search

☐ Adequate

☒ Less than Adequate

Comments:

Adequate text search would have found Winston (4,966,365) patent.